

Kagan Decl. Ex. 19

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

C.A. NO. 3:17-CV-01462

STEVEN PLAVIN, GARY ALTMAN,
MICHELLE DAVIS-MATLOCK, and
DANIELLE THOMAS, on behalf
of themselves and all others
similarly situated,

Plaintiffs,

-vs-

GROUP HEALTH INCORPORATED,

Defendant.

VIDEOTAPED DEPOSITION OF MICHELLE DAVIS-MATLOCK

Friday, June 17, 2022
9:49 a.m. - 2:50 p.m.

1301 Avenue of the Americas
New York, New York 10019

Stenographically Reported By
Pamela J. Pelino, RPR, FPR, CLR
Notary Public, State of Florida
TSG Reporting
Job #:211804

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<p>Page 2</p> <p>1 M. DAVIS-MATLOCK</p> <p>2 APPEARANCES:</p> <p>3 On behalf of the Plaintiffs:</p> <p>4 ARI RUBEN, ESQ.</p> <p>5 SUSMAN GODFREY</p> <p>6 1301 Avenue of the Americas</p> <p>7 New York, New York 10019</p> <p>8</p> <p>9 On behalf of the Defendant:</p> <p>10 JARED KAGAN, ESQ.</p> <p>11 JUSTIN FERRONE, ESQ.</p> <p>12 DEBEVOISE & PLIMPTON</p> <p>13 919 Third Avenue</p> <p>14 New York, New York 10022</p> <p>15</p> <p>16 Videographer:</p> <p>17 EDWIN ARLEQUIN</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 3</p> <p>1 M. DAVIS-MATLOCK</p> <p>2 - - -</p> <p>3 I N D E X</p> <p>4 - - -</p> <p>5 MICHELLE DAVIS-MATLOCK DIRECT CROSS REDIRECT</p> <p>6 BY MR. KAGAN 6</p> <p>7</p> <p>8</p> <p>9</p> <p>10 - - -</p> <p>11 E X H I B I T S M A R K E D</p> <p>12 - - -</p> <p>13 DESCRIPTION PAGE</p> <p>14 Davis-Matlock Exhibit 1 27</p> <p>15 (Plaintiff Michelle Davis-Matlock's Second</p> <p>16 Supplemental Objections and Responses to</p> <p>17 Defendant's Interrogatories)</p> <p>18 Davis-Matlock Exhibit 2 39</p> <p>19 (First Amended Class Action Complaint)</p> <p>20</p> <p>21 Davis-Matlock Exhibit 3 43</p> <p>22 (Plaintiff Michelle Davis-Matlock's Responses</p> <p>23 and Objections to First Set of Requests for</p> <p>24 Admissions)</p> <p>25 Davis-Matlock Exhibit 4 57</p> <p>(Text Messages, PLAVIN_5268 - 70</p> <p>CONFIDENTIAL)</p> <p>Davis-Matlock Exhibit 5 67</p> <p>(Email with Attachment, PLAVIN_3827 - 29)</p> <p>Davis-Matlock Exhibit 6 69</p> <p>(Text Message through Facebook</p> <p>PLAVIN_5240 - 41, CONFIDENTIAL)</p> <p>-Continued-</p>
<p>Page 4</p> <p>1 M. DAVIS-MATLOCK</p> <p>2 - - -</p> <p>3 E X H I B I T S M A R K E D</p> <p>4 - - -</p> <p>5 (CONTINUED)</p> <p>6 DESCRIPTION PAGE</p> <p>7 Davis-Matlock Exhibit 7 74</p> <p>8 (Text Message through Facebook</p> <p>9 PLAVIN_5245-53, CONFIDENTIAL)</p> <p>10 Davis-Matlock Exhibit 8 80</p> <p>11 (Facebook Messages, PLAVIN_5257-58</p> <p>12 CONFIDENTIAL)</p> <p>13 Davis-Matlock Exhibit 9 85</p> <p>14 (Facebook Messages, PLAVIN_5255, CONFIDENTIAL)</p> <p>15</p> <p>16 Davis-Matlock Exhibit 10 92</p> <p>17 (Facebook Messenger Posts, PLAVIN_5266-67)</p> <p>18 Davis-Matlock Exhibit 11 98</p> <p>19 (Text Messages, PLAVIN_5272, CONFIDENTIAL)</p> <p>20</p> <p>21 Davis-Matlock Exhibit 12 100</p> <p>22 (Text Messages, PLAVIN_5273, CONFIDENTIAL)</p> <p>23 Davis-Matlock Exhibit 13 103</p> <p>24 (Text Messages, PLAVIN_5277, CONFIDENTIAL)</p> <p>25</p> <p>Davis-Matlock Exhibit 14 128</p> <p>(October 1, 2020, Letter with Attachments)</p> <p>PLAVIN_3477-92, CONFIDENTIAL)</p> <p>Davis-Matlock Exhibit 15 133</p> <p>(Emblem Health Summary for Coverage</p> <p>Period 7/1/2013 - 6/30/2014, PLAVIN_912-18)</p> <p>Davis-Matlock Exhibit 16 113</p> <p>(Emblem Health Plan Payment Summary</p> <p>PLAVIN_3455-56, CONFIDENTIAL)</p> <p>Davis-Matlock Exhibit 17 137</p> <p>(NYC Office of Labor Relations Employee</p> <p>Benefits Program Summary, GHI000130568-618)</p>	<p>Page 5</p> <p>1 M. DAVIS-MATLOCK</p> <p>2 P R O C E E D I N G S</p> <p>3 - - -</p> <p>4 Deposition taken before Pamela J. Pelino,</p> <p>5 Registered Professional Court Reporter and Notary Public</p> <p>6 in and for the State of Florida at Large, in the above</p> <p>7 cause.</p> <p>8 - - -</p> <p>9 THE VIDEOGRAPHER: This is the start of</p> <p>10 media labeled Number 1 of the video-recorded</p> <p>11 deposition of Michelle Davis-Matlock in the</p> <p>12 matter Steven Plavin, et al., versus Group</p> <p>13 Health Incorporated.</p> <p>14 This deposition is being held at Susman</p> <p>15 Godfrey LLP, 1301 Avenue of the Americas,</p> <p>16 New York, New York, on June 17, 2022, at</p> <p>17 approximately 9:50 a.m.</p> <p>18 My name is Edwin Arlequin. I'm the legal</p> <p>19 video specialist from TSG Reporting,</p> <p>20 Incorporated, headquartered at 228 East 45th</p> <p>21 Street, Suite 810, New York, New York 10017.</p> <p>22 The court reporter is Pamela Pelino in</p> <p>23 association with TSG Reporting.</p> <p>24 Counsel, please introduce yourselves.</p> <p>25 MR. KAGAN: Good morning. Jared Kagan of</p>

<p style="text-align: right;">Page 86</p> <p>1 M. DAVIS-MATLOCK</p> <p>2 Q. And was it while this lawsuit was ongoing</p> <p>3 or was it before that?</p> <p>4 A. It was before 2020.</p> <p>5 Q. Okay. When you spoke with Ms. Mason by</p> <p>6 phone, did you talk about this lawsuit?</p> <p>7 A. No.</p> <p>8 Q. Okay. So do you see in Ms. Mason's</p> <p>9 message in Exhibit 9, she says, "I have submitted</p> <p>10 the following questions," and she lists out four</p> <p>11 questions?</p> <p>12 And then do you see your message below</p> <p>13 that where you write, "Thank you. In the process of</p> <p>14 moving my daughter. Will have questions emailed to</p> <p>15 you on Sunday"?</p> <p>16 Do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. Did you, in fact, email Ms. Mason</p> <p>19 questions?</p> <p>20 A. I don't recall -- I don't recall.</p> <p>21 Q. When you say you don't recall, you mean</p> <p>22 you don't know one way or the other whether you sent</p> <p>23 Ms. Mason questions?</p> <p>24 A. In regards to this message right here, I</p> <p>25 don't recall sending her any messages or questions</p>	<p style="text-align: right;">Page 87</p> <p>1 M. DAVIS-MATLOCK</p> <p>2 that I might have.</p> <p>3 Q. Okay. Do you see where Ms. Mason writes</p> <p>4 "The Zoom meeting with the attorney working on the</p> <p>5 GHI class action lawsuit is scheduled for Tuesday,</p> <p>6 August 4th, at 6:30 p.m."?</p> <p>7 A. Yes.</p> <p>8 Q. Did you attend that Zoom meeting that</p> <p>9 Ms. Mason is referring to?</p> <p>10 A. I attended a Zoom meeting. What day it</p> <p>11 was, I could not tell you.</p> <p>12 Q. Was the Zoom meeting that you're</p> <p>13 referring to in August of 2020?</p> <p>14 A. I couldn't tell you the dates.</p> <p>15 Q. Do you know what year you attended a Zoom</p> <p>16 meeting?</p> <p>17 A. I couldn't even tell you that.</p> <p>18 Q. Okay. The Zoom meeting that you're</p> <p>19 referring to, do you recall who attended?</p> <p>20 A. The Zoom meeting that I --</p> <p>21 Michelle Mason, myself, and Steve Cohen.</p> <p>22 Q. Do you see back in Ms. Mason's Facebook</p> <p>23 post, she writes, "I will post the link as soon as I</p> <p>24 receive it"?</p> <p>25 A. I don't see that.</p>
<p style="text-align: right;">Page 88</p> <p>1 M. DAVIS-MATLOCK</p> <p>2 Q. Do you see that the first sentence in</p> <p>3 Ms. Mason's message July 29, 2020, she writes "The</p> <p>4 Zoom meeting with the attorney working on the GHI</p> <p>5 class action lawsuit is scheduled for Tuesday,</p> <p>6 August 4th, at 6:30 p.m. I will post the link as</p> <p>7 soon as I receive it"?</p> <p>8 A. I see it now.</p> <p>9 Q. Okay. Do you know if Ms. Mason posted a</p> <p>10 link on Facebook regarding this message?</p> <p>11 A. That, I don't know. But I know the Zoom</p> <p>12 meeting was through Facebook.</p> <p>13 Q. Okay. And do you know if the Zoom</p> <p>14 meeting that Ms. Mason is referring to is the Zoom</p> <p>15 meeting that you attended or if they're different</p> <p>16 Zoom meetings?</p> <p>17 A. That, I don't know. I know I attended</p> <p>18 one.</p> <p>19 Q. Okay. Now, I just want to be careful.</p> <p>20 I'm not going to ask you what was discussed. But</p> <p>21 the meeting that you refer to that you attended with</p> <p>22 Ms. Mason and Mr. Cohen, what was the purpose of</p> <p>23 that meeting?</p> <p>24 MR. RUBEN: Objection to form.</p> <p>25 THE WITNESS: The meeting that I attended</p>	<p style="text-align: right;">Page 89</p> <p>1 M. DAVIS-MATLOCK</p> <p>2 was about a possible lawsuit in which I told</p> <p>3 Steve Cohen that I would contact him at a later</p> <p>4 time.</p> <p>5 BY MR. KAGAN:</p> <p>6 Q. During the Zoom meeting, you told</p> <p>7 Steve Cohen that you would contact him at a later</p> <p>8 time?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. What was the purpose of Ms. Mason</p> <p>11 being in that Zoom meeting?</p> <p>12 MR. RUBEN: Objection to form.</p> <p>13 THE WITNESS: She's the person who</p> <p>14 created the group.</p> <p>15 BY MR. KAGAN:</p> <p>16 Q. Do you know how Ms. Mason -- well, strike</p> <p>17 that.</p> <p>18 Do you know if Ms. Mason knows Mr. Cohen?</p> <p>19 MR. RUBEN: Objection to form.</p> <p>20 THE WITNESS: I don't know.</p> <p>21 BY MR. KAGAN:</p> <p>22 Q. Okay. So you testified a moment ago that</p> <p>23 you told Mr. Cohen that you would contact him by</p> <p>24 email after the Zoom meeting.</p> <p>25 Did you, in fact, contact Mr. Cohen by</p>

<p style="text-align: right;">Page 102</p> <p>1 M. DAVIS-MATLOCK</p> <p>2 looks like part of the message is cut off, and it</p> <p>3 says "view all"?</p> <p>4 A. I'm sorry?</p> <p>5 Q. In your message to Liza, where it starts</p> <p>6 with "Hey, Liza" -- do you see that?</p> <p>7 A. Yes.</p> <p>8 Q. And if you go down that message, do you</p> <p>9 see part of it's cut off, and it says "view all"?</p> <p>10 A. That is correct.</p> <p>11 Q. Do you know what the rest of that message</p> <p>12 says?</p> <p>13 A. Not off the top of my head.</p> <p>14 Q. Okay. Do you have that message on your</p> <p>15 phone still?</p> <p>16 A. I can look and see.</p> <p>17 Q. Do you have your phone with you today</p> <p>18 that that was on?</p> <p>19 A. Not that particular phone, no, I don't.</p> <p>20 Q. Aside from this text message exchange</p> <p>21 with Liza, did you have any other discussion with</p> <p>22 her about this lawsuit?</p> <p>23 A. No. She never bothered to answer --</p> <p>24 well, she told me she no longer had GHI, and that</p> <p>25 was the end of the conversation.</p>	<p style="text-align: right;">Page 103</p> <p>1 M. DAVIS-MATLOCK</p> <p>2 Q. Did anybody ask you to contact former</p> <p>3 colleagues in relation to this lawsuit?</p> <p>4 A. It was mentioned in a Zoom meeting, and</p> <p>5 for those who may not have attended, that I know</p> <p>6 personally, I reached out to them to ask them if</p> <p>7 they were -- if they were having any problems with</p> <p>8 GHI.</p> <p>9 Q. Is that the Zoom meeting with Ms. Mason</p> <p>10 and Mr. Cohen?</p> <p>11 A. Yes.</p> <p>12 MR. KAGAN: Mark this as Exhibit 13.</p> <p>13 (Davis-Matlock Exhibit 13 was marked for</p> <p>14 identification.)</p> <p>15 BY MR. KAGAN:</p> <p>16 Q. Ms. Davis-Matlock, do you recognize the</p> <p>17 exhibit that's been marked as Exhibit 13?</p> <p>18 A. Yes.</p> <p>19 Q. What do you recognize Exhibit 13 as?</p> <p>20 A. It was a text message that I sent to a</p> <p>21 former sergeant of mine.</p> <p>22 Q. And that sergeant is Bobby Shirley?</p> <p>23 A. That's correct.</p> <p>24 Q. Why did you send this text message to</p> <p>25 Bobby Shirley?</p>
<p style="text-align: right;">Page 104</p> <p>1 M. DAVIS-MATLOCK</p> <p>2 A. Because he also lives in Texas and he has</p> <p>3 GHI, and he has younger kids than I have. And he</p> <p>4 wasn't at that Zoom meeting.</p> <p>5 Q. Okay. And did you tell Mr. Shirley, "I</p> <p>6 have the lawyer's email address and number if you</p> <p>7 would" -- and then it gets cut off?</p> <p>8 Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. Do you know what the rest of that text</p> <p>11 message said?</p> <p>12 A. No.</p> <p>13 Q. Do you recall why you told Mr. Shirley</p> <p>14 that you have the lawyer's email address and number?</p> <p>15 A. Once again, he lives in Texas, he has</p> <p>16 GHI, and we have a problem finding doctors that will</p> <p>17 take GHI. So as part of that group, we all talk</p> <p>18 about various things.</p> <p>19 And I do know he wasn't present at that</p> <p>20 meeting, so I told him if he did have any problems I</p> <p>21 had the lawyer's email address. I didn't just</p> <p>22 voluntarily give out Steve Cohen's information. If</p> <p>23 someone -- which no one did -- except for Liza told</p> <p>24 me she didn't have GHI. Bobby Shirley never</p> <p>25 responded back to me, so I left it at that.</p>	<p style="text-align: right;">Page 105</p> <p>1 M. DAVIS-MATLOCK</p> <p>2 Q. So at the time that you sent Mr. Shirley</p> <p>3 this text message in August of 2020, had you decided</p> <p>4 at this point one way or another whether you were</p> <p>5 going to be a plaintiff in this lawsuit?</p> <p>6 A. I don't recall. I do know that I went to</p> <p>7 the Zoom meeting, but I don't recall if it was like</p> <p>8 right then and there.</p> <p>9 Q. So having looked at some of these text</p> <p>10 messages relating to the Zoom meeting that you've</p> <p>11 referenced, do these refresh your recollection at</p> <p>12 all about anything else that was discussed in the</p> <p>13 Zoom meeting?</p> <p>14 MR. RUBEN: Objection to form.</p> <p>15 THE WITNESS: Only thing I can recall</p> <p>16 right now is the lack of doctors that</p> <p>17 participate within GHI and the fact that some</p> <p>18 of us have to travel back here to New York.</p> <p>19 BY MR. KAGAN:</p> <p>20 Q. And in the Zoom meeting with Ms. Mason</p> <p>21 and Mr. Cohen, do you recall being told anything</p> <p>22 about this lawsuit?</p> <p>23 A. What do you mean?</p> <p>24 Q. Do you recall anybody in that meeting</p> <p>25 discussing anything about the specific claims in</p>

<p style="text-align: right;">Page 106</p> <p>1 M. DAVIS-MATLOCK</p> <p>2 this lawsuit?</p> <p>3 MR. RUBEN: And just to caution you, to</p> <p>4 the extent this is asking about a private</p> <p>5 meeting you had with Mr. Cohen, I would advise</p> <p>6 you not to answer on grounds of attorney-client</p> <p>7 privilege.</p> <p>8 I'm not totally clear which meeting</p> <p>9 you're talking about.</p> <p>10 MR. KAGAN: I can ask that again.</p> <p>11 BY MR. KAGAN:</p> <p>12 Q. In the Zoom meeting with Mr. Cohen and</p> <p>13 Ms. Mason, do you recall anybody in that meeting</p> <p>14 discussing anything about the specific claims in</p> <p>15 this lawsuit?</p> <p>16 MR. RUBEN: Same instruction.</p> <p>17 THE WITNESS: No, I don't recall.</p> <p>18 BY MR. KAGAN:</p> <p>19 Q. Just to be clear, do you not recall or</p> <p>20 are you not disclosing any information because</p> <p>21 you're following your lawyer's instruction?</p> <p>22 MR. RUBEN: And to be clear, the</p> <p>23 instruction is if it was something that</p> <p>24 happened on a Zoom call that was made available</p> <p>25 beyond just you and Mr. Cohen, but to other</p>	<p style="text-align: right;">Page 107</p> <p>1 M. DAVIS-MATLOCK</p> <p>2 folks where confidential communications weren't</p> <p>3 had, I'm not instructing you not to answer</p> <p>4 that. I'm just instructing you not to answer</p> <p>5 if you had a private communication with</p> <p>6 Mr. Cohen.</p> <p>7 THE WITNESS: During that Zoom meeting,</p> <p>8 as I stated before, I'm not exactly sure who</p> <p>9 was in attendance. I do know -- because I know</p> <p>10 Bobby Shirley and Liza personally, I do know</p> <p>11 that they were not in attendance at the Zoom</p> <p>12 meeting.</p> <p>13 Everyone else who is part of this group,</p> <p>14 I don't know them, so I couldn't tell you X was</p> <p>15 there or Y was there. I just know of who I</p> <p>16 know on a personal note of who was there.</p> <p>17 What was discussed, I don't know.</p> <p>18 BY MR. KAGAN:</p> <p>19 Q. So I'm not sure I'm following, so I just</p> <p>20 want to make sure we're clear.</p> <p>21 So earlier today you had testified about</p> <p>22 a Zoom meeting that you attended with Mr. Cohen and</p> <p>23 Ms. Mason; correct?</p> <p>24 A. That is correct.</p> <p>25 Q. And they were on the same Zoom meeting;</p>
<p style="text-align: right;">Page 108</p> <p>1 M. DAVIS-MATLOCK</p> <p>2 right?</p> <p>3 A. It was -- yes. We all were on the Zoom</p> <p>4 meeting.</p> <p>5 There were others, but I do not know who</p> <p>6 they were.</p> <p>7 Q. Right. That's what I'm trying to</p> <p>8 understand. So in addition to you and Mr. Cohen and</p> <p>9 Ms. Mason, there were other individuals on that Zoom</p> <p>10 meeting?</p> <p>11 A. Oh, that's correct. It wasn't a</p> <p>12 three-way conversation with just the three of us.</p> <p>13 Q. Okay.</p> <p>14 A. There were others. I just don't know who</p> <p>15 they were.</p> <p>16 Q. Okay. Thank you.</p> <p>17 Do you know approximately how many other</p> <p>18 individuals were on that Zoom meeting?</p> <p>19 A. No.</p> <p>20 Q. Okay. Who spoke at that Zoom meeting?</p> <p>21 A. Steve Cohen and Michelle Mason and maybe</p> <p>22 others. The others, I could not tell you.</p> <p>23 Q. Okay. Do you recall anything specific</p> <p>24 that Ms. Mason said on that Zoom meeting?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 109</p> <p>1 M. DAVIS-MATLOCK</p> <p>2 Q. Do you recall anything specific that</p> <p>3 Mr. Cohen said on that Zoom meeting?</p> <p>4 A. No.</p> <p>5 Q. On that Zoom meeting that we've been</p> <p>6 discussing, did anybody say on that meeting that you</p> <p>7 should reach out to other individuals who you know</p> <p>8 have GHI but could not attend this meeting?</p> <p>9 A. That, I do recall.</p> <p>10 Q. Okay. Who said that?</p> <p>11 A. That, I don't know, but I do know that</p> <p>12 that's why I reached out to Liza, I reached out to</p> <p>13 Bobby Shirley, and I reached out to Walter Sherrod.</p> <p>14 Q. Can you go back to Exhibit 9, please.</p> <p>15 A. (Witness complies.)</p> <p>16 Q. And looking at Ms. Mason's message, do</p> <p>17 you see there's a list of questions where she writes</p> <p>18 "I have submitted the following questions"?</p> <p>19 A. Yes.</p> <p>20 MR. RUBEN: I'm sorry, Counsel. My</p> <p>21 exhibits aren't marked. Which date is the</p> <p>22 Exhibit 9?</p> <p>23 MR. KAGAN: It's ending in Bates Number</p> <p>24 5255.</p> <p>25 MR. RUBEN: Okay. Thank you.</p>